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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEREK BOROUGH,
Plaintiff(s),

v.

ROXIE ALLISON IV, et al.,
Defendant(s).

Case No.: 2:18-cv-01828-JAD-NJK

Order

[Docket No. 19]

Pending before the Court is a stipulation to revive the initial expert deadline and extend other subsequent deadlines. Docket No. 19. The stipulation raises several questions. First, the initial expert deadline expired on January 18, 2019. Requests to revive expired deadlines must be based on a showing of excusable neglect, Local Rule 26-4; *see also* Fed. R. Civ. P. 6(b)(1)(B), and such a showing is not made in the stipulation.¹ Second, one of the reasons for the extension is that Defendants are awaiting disclosure of the documents upon which Plaintiff's initial experts relied. *See* Docket No. 19 at 3. It is not clear why those exhibits were not already produced. *Cf.* Fed. R. Civ. P. 26(a)(2)(B)(iii) (expert disclosures must include the exhibits that support the expert's opinions). Third, the parties seek a 120-day extension,² which would nearly reset the entire

¹ Additional initial expert reports are not listed as discovery that is remaining. If there are no additional initial expert reports contemplated, it is not clear why the parties wish to extend this deadline.

² The stipulation erroneously states that the parties seek a 90-day extension. *See* Docket No. 19 at 1, *but see id.* at 4.

1 discovery clock. *See* Local Rule 26-1(b)(1) (establishing presumptively reasonable discovery
2 period at 180 days); *see also* Docket No. 13 (adopting the parties' proposal for a 180-day discovery
3 period in this case). An insufficient showing has been made that such a lengthy extension is
4 warranted here.

5 The Court hereby **SETS** the stipulation for a telephonic hearing for 11:00 a.m. on February
6 12, 2019.³ Counsel shall appear telephonically by calling the Court conference line at 877-402-
7 9757 at least five minutes prior to the hearing. The conference code is 6791056. In order to ensure
8 a clear recording of the hearing, the call must be made using a land line phone. Cell phone calls,
9 as well as the use of a speaker phone, are prohibited.

10 IT IS SO ORDERED.

11 Dated: February 11, 2019

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14 Nancy J. Koppe
15 United States Magistrate Judge
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27 _____
28 ³ Given that the rebuttal expert disclosure deadline is currently set for February 18, 2019,
the Court is not inclined to continue this hearing.